

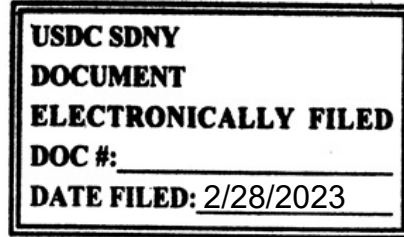
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February 28, 2023

Via ECF

Hon. Robert W. Lehrburger
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: IN THE MATTER OF THE COMPLAINT of HAPAG-LLOYD
AKTIENGESELLSCHAFT A/K/A HAPAG-LLOYD AG as OWNERS AND
OPERATORS OF THE M/V YANTIAN EXPRESS
19-cv-5731 (GHW) (RWL)

Dear Judge Lehrburger:

We are counsel to the Mound Cotton Claimants in this action. We write jointly with Petitioner Hapag-Lloyd, (“Hapag”) with respect to the Court’s Order dated February 10, 2023 (Doc. No. 877) (“the Order”). The Order granted the Mound Cotton Claimants February 10, 2023 letter request, with Hapag’s consent, to further adjourn the time for Claimant Pepsico Concentrate Manufacturing (Singapore) Pte Ltd., (“Pepsico”) to produce certain documents responsive to Hapag’s December 15, 2021 request for production of documents, from February 11, 2023, to February 28, 2023, in light of the fact that the parties have settled their dispute as to the valuation for settlement purposes of the six containers of Pepsico Gatorade dry mix powder (“the Containers”) and agreed in principle on the terms of a settlement agreement (Doc. No. 876).

While a comprehensive settlement agreement as to the Containers has been drafted, counsel to the parties are still considering and finalizing the agreement, and certain of its terms still need to be reviewed by the third party marine average adjuster appointed in this matter. Accordingly, we would appreciate the Court’s continued accommodation in this matter and with Hapag’s consent, respectfully ask that the Court adjourn the compliance date in the Order from February 28, 2023 to March 17, 2023. At that time, if the comprehensive settlement agreement has been fully executed, Hapag will withdraw its September 1, 2022 letter motion to compel the production of Pepsico documents (Doc. No. 816).

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This is the Mound Cotton Claimants' fifth request to adjourn the compliance date in the Order.

Respectfully submitted,

s/s/ Jonathan S. Chernow

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SO ORDERED:

2/28/2023



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE